

1 AMIN TALATI WASSERMAN LLP
2 MATTHEW R. ORR, SBN 211097
3 GEORGE SPATZ (*pro hac vice* to be submitted)
4 MANON BURNS (SBN 347139) (pending admission)
5 515 S. Flower St., 18th Floor
6 Los Angeles, CA 90071
7 Tel: (213) 933-2330
8 Fax: (312) 884-7352
9 matt@amintalati.com
10 gspatz@amintalati.com
11 manon@amintalati.com

12 Attorneys for Defendant
13 LIFEFORCE DIGITAL INC.

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 THRESHOLD ENTERPRISES LTD., a
18 Delaware corporation,

19 Plaintiff,

20 v.
21 LIFEFORCE DIGITAL INC., a Delaware
22 corporation,

23 Defendant.

24 Case No.: 3:22-cv-06483-HSG

25 **DEFENDANT LIFEFORCE DIGITAL
26 INC.'S NOTICE OF MOTION TO
27 DISMISS COMPLAINT**

28 Date: February 16, 2023
Time: 2:00pm

1 TO THE COURT AND PLAINTIFF THRESHOLD ENTERPRISES LTD.: PLEASE TAKE
2 NOTICE THAT on February 16, 2023 at 2:00pm, or as soon thereafter as may be heard by the
3 Honorable Haywood S. Gilliam, Defendant Lifeforce Digital Inc. (“LDI”) will, and hereby does,
4 move the Court pursuant to Fed. R. Civ. P. 12(b)(6) for an order dismissing the Complaint with
5 prejudice for failure to state a claim on which relief may be granted.

6 The motion will be made on the grounds that:

7 • Due to the visual differences between the products as they appear in the marketplace, no
8 reasonable consumer would be confused regarding the source of the products.

9 The motion will be based on this Notice, the Memorandum of Points and Authorities filed
10 concurrently herewith, the pleadings and files in this action, and such other matters as may be
11 presented on or before any hearing on this motion.

12 Dated: January 10, 2023

13 AMIN TALATI WASSERMAN, LLP

14 /s/ Matthew R. Orr

15 Matthew R. Orr
16 George Spatz
17 Manon Burns
18 Attorneys for Defendant LDI

CERTIFICATE OF SERVICE (United States District Court)

I hereby certify that on the 10th day of January 2023, I caused the electronic filing of the foregoing document, through the CM/ECF system. The aforementioned document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

Dated: January 10, 2023

AMIN TALATI WASSERMAN

/s/ Matthew R. Orr
Matthew R. Orr